IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B.CRIMINAL MISC. PETITION NO. 965/2005
(Kana Ram & Others Vs. The State of Rajasthan)

Date of Order : August 02, 2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. M.K.Garg for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.

**BY THE COURT**:-

Heard learned counsel for the petitioners and the public prosecutor for the State.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C. the petitioners have assailed the order dated 8.6.2005 passed by Additional Sessions Judge, Ratangarh Camp at Sujangarh, district Churu (for short 'the trial court' hereinafter) whereby the application dated 7.5.2005 filed by the petitioners was dismissed.

I have carefully gone through the order passed by the trial court and the material available on record.

The present petitioners are facing trial. It appears from the record that during the pendency of the trial and after recording the statements of two witnesses, prosecution/ complainant moved an application under Section 319 Cr.P.C. seeking arraigning one Padamveer Singh as accused. That application has not so far been decided and from the order impugned it appears that the application is yet pending. During pendency of that application, these petitioners filed an application under Section 91 Cr.P.C. requesting the trial court to summon certain documents. That application came to be allowed by the trial court vide order dated 23.4.2004. The petitioners again filed an application requesting the trial court to summon the investigation file wherein the Additional Supdt. of Police Devendra Singh is alleged to have conducted some investigation. That application came to be dismissed. No reason has been shown by the petitioners for calling the investigation file. It obviously appears from the orders and the contentions raised that before Pardamveer Singh is arraigned as accused in exercise of power under Section 319 Cr.P.C., an effort is made to create plea of self defence. Those documents have no relevancy so far as the present petition is concerned. More so, from the orders impugned, it appears that the documents which were sought to be summoned vide order dated 23.4.2004 have already been summoned by the trial court. In the circumstances,

therefore, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of the Court.

The petition has no merit and it is therefore, dismissed. Stay petition also stands dismissed.

**(H.R.PANWAR),J.**

Gopal/rp